

Exhibit B

VOLUME: I
PAGES: 1 - 336
EXHIBITS: See Index

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION-BOSTON)

KIRA WAHLSTROM,)
Plaintiff,)
)
-against-) Civil No.
) 1:22-cv-10792-RGS
DAVID J. HOEY, LAW OFFICES)
OF DAVID J. HOEY, P.C.,)
DON C. KEENAN, D.C.,)
KEENAN & ASSOCIATES, P.C.,)
D/B/A THE KEENAN LAW FIRM,)
P.C., AND KEENAN'S KIDS)
FOUNDATION, INC.,)
Defendants.)

DEPOSITION OF DAVID J. HOEY, a witness called on behalf of the Plaintiff, taken pursuant to the provisions of the Federal Rules of Civil Procedure, before Kathleen M. McHugh, a Registered Professional/Certified Shorthand Reporter (#120093) and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Wilson Elser Moskowitz Edelman & Dicker, LLP, 260 Franklin Street, Boston, Massachusetts, on Monday, February 20, 2023, commencing at 9:58 a.m.

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Boston, Massachusetts 02109
(617) 423-5841

1 infringement?

2 A. That's correct.

3 Q. Did you explain this any further than
4 that to her?

5 A. I did.

6 Q. And what did you explain to her?

7 A. That this was during the trial and
8 during the motion for new trial the defense was
9 trying to put a wedge between Kira and Don and
10 Don and the court by attaching a lot of Mr.
11 Keenan's book and trial blog articles and we
12 felt it was necessary and in her best interest
13 at that time to fight it and she agreed.
14 Everything was fight, fight, fight, and so
15 that's what we did. She understood it at the
16 time; had a few choice words as usual.

17 Q. To your knowledge had Kira met
18 Mr. Goren as of this time in March, 2020?

19 A. No. She did not meet Mr. Goren, I
20 don't think at all, but I do have a recollection
21 that Kira came to one of those post-trial
22 hearings where he may have been present.

23 Q. Okay. All right. On this one then
24 we have James Bolan on there for \$8,432.39?

1 A. I see that.

2 Q. And this indicates, "This was ethics
3 counsel who consulted regarding Wilson, Sobczak,
4 the appeal and other areas," right?

5 A. Correct, that's correct.

6 Q. Did you tell Kira as of this time
7 that Mr. Bolan was also your personal attorney?

8 A. She knew that.

9 Q. She did. Before this?

10 A. She did.

11 Q. Okay. And to your knowledge had she
12 met Mr. Bolan as of March, 2020?

13 A. As of March, 2020, no. She might
14 have met him at one of the court hearings later.

15 Q. Okay. And to your knowledge was any
16 fee agreement executed between Kira and Mr.
17 Bolan?

18 A. No.

19 Q. And going back to the other ones to
20 your knowledge, was any fee agreement executed
21 between Kira and Mr. Goren?

22 A. Not that I'm aware of, no.

23 Q. When you engaged Mr. Goren's, Richard
24 Goren's, services, did you get Kira's approval

1 A. No.

2 Q. All right. And I can understand some
3 of them, you wouldn't call her to photocopy
4 something, right, because you've got photocopies
5 on here, but -- although you have almost \$10,000
6 in photocopies. Oh, for example, if you go and
7 take an Uber, you didn't call her and say, Kira,
8 is it okay I take an Uber. I get that. So I
9 was being very specific.

10 Richard Goren, did you get Kira's
11 agreement to pay his legal fees prior to
12 incurring them?

13 A. I don't think so.

14 Q. And James Bolan, did you get Kira's
15 agreement to pay his legal fees prior to
16 incurring them?

17 A. Yes and no. So you'll see
18 correspondence in the discovery where I'm
19 telling her that Amy, Patty, myself and Mr.
20 Bolan are working collectively as a team to do
21 X, Y, Z.

22 Q. And does -- I'll see that in the
23 e-mails?

24 A. You will.

1 (Affidavit of James S.

2 Bolan, Esquire, dated 7/22/20, was marked

3 Exhibit No. 48 for identification.)

4 Q. Now, Exhibit 48, do you recognize

5 this as an affidavit of James Bolan, Esquire,

6 that was filed in support of a motion for costs

7 and fees on behalf of Kira Wahlstrom against

8 Mr. Sobczak?

9 A. That's right.

10 Q. And Paragraph 3 says, "I was
11 consulted on behalf of the Law Offices of
12 David J. Hoey, P.C., and David J. Hoey for the
13 benefit of Ms. Kira Wahlstrom due to Mr.
14 Sobczak's allegations relating to certain
15 conduct by my client, David Hoey, who represents
16 Kira Wahlstrom."

17 A. That's correct.

18 Q. What -- can you tell me your
19 understanding of what allegations relating to
20 your conduct he, Mr. Bolan, is referencing
21 there?

22 A. To the best of my recollection,
23 Mr. Sobczak in this lien fight was breaching the
24 attorney-client privileged information that

1 related to Kira and adding things into his
2 affidavits and attaching things to his papers
3 that were about me, about Kira, about Patty,
4 about the court, anybody and everybody that he
5 can find something wrong about.

6 Q. Okay. But this is specifically
7 saying allegations relating to certain conduct
8 by my client, David Hoey?

9 A. Right.

10 Q. And I want to know what -- if you
11 have a memory or knowledge of what specific
12 conduct this is referencing as it pertains to
13 you?

14 A. Yes. It's in his affidavits and in
15 his motion papers related to my representation
16 of Kira.

17 Q. And then this indicates that
18 Mr. Bolan's office billed his legal services to
19 you and then you were reimbursed by Kira; is
20 that accurate?

21 A. I'd have to match, but I think so.

22 Q. And it has his billings attached?

23 A. Yeah. The redactions would be
24 unrelated things.